

# IOWA BenchPress



Newsletter of the Iowa Judicial Branch

November-December 2002

## 2002 Photo Album: Awards, Retirements, Special Occasions and More. . . .



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# Court Names Walsh as New Chief for Third District

**T**he Iowa Supreme Court recently appointed District Court Judge Michael Walsh, Sioux City, as chief judge of the Third Judicial District. Walsh will succeed Judge Richard Vipond when Vipond retires at the end of the year.

“Judge Walsh has the experience and proven leadership abilities that are critical for the position of chief judge,” said Chief Justice Louis Lavorato of the Iowa Supreme Court.



*Chief Judge Michael Walsh*

Judge Walsh, a native of Sioux City, received his undergraduate degree in 1965 and his law degree in 1968 from the University of South Dakota. He began his career in the private practice of law in Sioux City and also served as city attorney for the city of Sioux City. Governor Robert Ray

appointed Walsh to the district court in 1982. Shortly after being appointed to the bench, Judge Walsh was designated as presiding judge for Woodbury County and has served in that capacity to date.

In addition to judicial duties, a chief judge of a judicial district supervises all judicial officers and court employees serving within the district, supervises the performance of administrative and judicial business in the district, sets the times and places of holding court, and designates presiding judges. A chief judge also serves on the Judicial Council, which advises the Supreme Court on administrative matters affecting the

trial courts. The Third Judicial District is comprised of 16 counties in northwest Iowa and is served by 22 full-time judicial officers, 15 part-time judicial officers and 172 support staff.

“I am pleased and honored by my appointment,” said Judge Walsh. “I’m especially thankful for the dedicated court personnel who make the people who make the Judicial Branch in our district function efficiently and effectively for the benefit of our fellow citizens. We will make every effort to continue to maintain the highest degree of service.”

“On behalf of all of us in District Three, we express our gratitude and appreciation to Chief Judge Dick Vipond for his many years of leadership and distinguished services and look forward to his continued service as a senior judge.”

The *Iowa Bench Press* is published bimonthly by the State Court Administrator’s Office to keep court personnel informed about court policy, projects, programs, and activities. Articles express the views of the authors or the editor and not necessarily those of the Iowa Judicial Branch.

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[www.judicial.state.ia.us](http://www.judicial.state.ia.us)

# Judicial Branch Seeks \$10.4 Million Increase for State Court Operations

**T**he Iowa Supreme Court is seeking a \$10.4 million increase for the Judicial Branch operating budget for next fiscal year. The Court is seeking a total of \$119.1 million for operations, which would be a 10% increase over the operating budget for the current year.

“The bulk of our request is needed to simply maintain what we’re doing now and to fill some critical needs,” said Chief Justice Louis Lavorato.

At the top of the budget request is \$4 million to supplant the court system’s share of one-time funds used by the state to cover the cost of salary increases given to state employees and officials for fiscal year 2003.

Another large portion of the budget request, \$2.6 million, is devoted to recouping some of the funds lost in recent years to budget cuts. During the past two fiscal years, lawmakers have slashed the courts’ budget by

\$9.5 million. The Court is recommending restoration of the following items:

- \$1.4 million to fund approximately 65 vacant positions.
- \$265,000 to restore education programs for judges and staff.
- \$815,000 to restore funding for furniture and equipment.
- \$160,000 to restore cuts in travel.

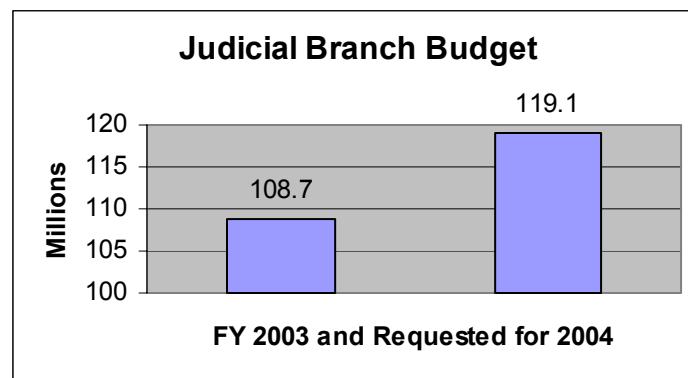
In addition, the Court is requesting \$3 million to transfer the operating budget of the Iowa Court Information System (ICIS) from earmarked off-budget technology funds to the State General Fund.

The budget request also includes a request for \$700,000 to operate and maintain the new Iowa Judicial Branch Building presently under construction on the State Capitol complex. This request includes money for utilities, regular maintenance, housekeeping, security, grounds, and other routine expenses.

The Court expects to move into the building sometime next spring and has sufficient funds left over from the construction budget to cover the building’s operating expenses through June.

In addition to its request for court operations, the Court is recommending the state fully fund its statutory contribution to the Judicial Retirement Fund. Prior to the state’s financial problems, the state had been contributing to the fund at the statutorily fixed rate of 23.7% of judicial salaries. The contribution rate was reduced 10% in the past two years. It will take an additional \$2.8 million to make up for those cuts and fully fund contributions in fiscal year 2004.

The Judicial Branch, as all entities that rely on state funds, faces an uphill battle. State officials anticipate a huge gap, as much as \$400 million, in the budget next year.



# Trial Judges Forum: Judges Want a Bigger Voice

**T**he Trial Judges Forum, a group of judges and magistrates from each judicial district elected by their peers, called by the Iowa Supreme Court, held two meetings this fall to discuss judicial resources, practices and procedures. The forum identified three significant challenges: low morale, management of resources, and practices and procedures.

## Low Morale

According to the Forum's report, "Above all else, the low morale of those working in and with the trial courts is the most pressing concern we face. The judges blamed the low morale on: budgetary constraints; limited local authority to address problems within a judicial district; inconsistent explanations concerning Judicial Branch policies; ineffective human resources practices; and the lack of participatory management.

The Forum suggested solutions for improving morale including: the establishment of a permanent procedures for the Supreme Court to consult with the trial courts; allowing judges, rather than the Supreme

Court, to select the chief judge of a judicial district; allowing districts to decide how to balance their own budgets when cuts are necessary; table divisive issues such as redistricting; the Supreme Court should pledge not to replace court reporters with electronic recording devices; full staffing of court personnel to the extent funding is available.

## Resources

"Clearly, issues of morale are to some degree linked to management of resources. And the trial judges believe that one hand will wash the other: better communication will lead to better resource allocation and better allocation will improve morale." When discussing the state of court resources, the Forum focused on staff and support. "Support" was defined as technological, educational, and facilities.

The Forum offered the following thoughts about resources: authorize the Judicial Council (if chief judges are elected) to decide the temporary reassignment of judicial officers between districts as needed; add district associate judgeships; study the

role of district associate, associate juvenile and magistrates; staff clerks' offices at a level that results in having them all open during regular business hours; allow district court judges to exercise their authority to appoint a clerk in each county; fully fund the technology fund; and make judicial education a priority.

## Practices and Procedures

The Forum concluded: "The Courts can improve their efficiency by reviewing present practices and procedures. Judicial branch education and training programs for all judges and staff should be expanded to provide a forum to share ideas and consider new procedures. We urge the Supreme Court to implement this proposal. Representatives of all courts and judicial districts, including judges and support staff, selected by those courts, should be included."

The Supreme Court is considering the report.

**Two conferences funded by federal grants are tentatively planned for 2003.**

OWI/Highway Safety Conference June 18-20 Des Moines

Magistrate Conference June 26 Ames

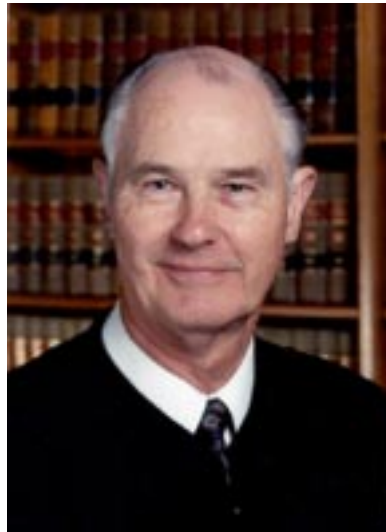
# Judges Association Honors McGiverin

The Iowa Judges Association named Senior Judge Arthur McGiverin, Ottumwa, as the recipient of the Association's 2003 Award of Merit. The award was presented to McGiverin at the association's business meeting in Des Moines on December 13. The award was established to recognize a judge who has made extraordinary contributions to the Iowa Judges Association and who has been a role model to new judges.

"I was surprised and thrilled to receive the award," said Judge McGiverin.

"Judge McGiverin's scholarship and leadership ability has been recognized in Iowa and throughout the United States," said Judge Arthur Gamble, Chief Judge of the 5<sup>th</sup> Judicial District. "He has always been supportive of the Iowa Judges Association."

Judge McGiverin, who received his undergraduate and law degrees from the University of Iowa, began his judicial career in the early 1960s as a



*Senior Judge Arthur McGiverin*

part-time municipal judge in Ottumwa. Governor Harold Hughes appointed McGiverin to the district court in 1965. He served on the district court until 1978.

During his term on the district court, Judge McGiverin served as assistant chief judge of the district, and later chief judge.

Governor Ray appointed Judge McGiverin to the Iowa Supreme Court in 1978. He was elected chief justice in 1987, a position he held until he retired from the Court in 2000.

Judge McGiverin served as the President of the Conference of Chief Justices in 1996-1997. The Conference is composed of the highest judicial officer of the highest court of each state, the District of Columbia, Puerto Rico, and the territories of the United States. In that capacity, Judge McGiverin served as the chair of the board of directors of the National Center for State Courts, an independent non-profit organization that works to improve the administration of justice in the nation's state and local courts.

Since 1998, Judge McGiverin has been a member of the board of directors of the State Justice Institute. The State Justice Institute is a federal corporation dedicated to assisting state courts.

"Judge McGiverin is an outstanding example of a judge and public service," said Judge John Nagra, Chief Judge of the 7<sup>th</sup> Judicial District and President of the Judges Association.



# Tech Report: “Bandwidth Hogs” and Personal Uses Drain Communications Network

According to the latest report from the Judicial Branch technology office, personal use of email and the Internet by court personnel are draining the branch’s communications network and interfering with the business of court offices around the state. The report states: “We can see a significant amount of traffic to Internet sites not normally considered appropriate for judicial branch personnel.”

Larry Murphy, Director of Information Systems and Technology, says that some court personnel have been using state equipment to download music and send videos. Also, many employees are using “push technology” such as Point Cast, CNN News, and Weather Bug, products that are “bandwidth hogs.” Uses such as these drain bandwidth, which in turn slows the network for others trying to use it and interferes with court business. Heavy use on a 56K line, the size of line used to connect courthouses in most small counties, has wreaked havoc for some clerk of court offices.

Personal use of the Internet is not only a bandwidth problem it violates state policies. “We urge everyone to use the Internet and e-mail for official court business only,” said Murphy.

But sometimes even official business uses can drain the network. E-mails, particularly those containing large files or attachments, sent to large groups can bog down the network. To

prevent this problem, court personnel should carefully limit the size of the group getting a message and refrain from copying the word.

The technology report included lots of encouraging news about new technological tools that should make life a little easier for court personnel.

## Online Records

At the beginning of the year, the Judicial Branch launched its online court records service that allows Internet access to basic court docket information for free. In September, the online service was expanded to include a fee-based service for access to more detailed information. About 800 users have now subscribed to the fee-based service that costs \$25 a month. The subscribers include abstractors, lawyers, private investigators, and landlords.

## Electronic Public Access: E-Pay

Court officials expect to launch “E-Pay” — a new service that would allow people to pay traffic fines and fees online — in March.

## Deferred Judgment Records Online

Internet access to the state’s deferred judgment docket is now available to authorized users including judges, clerks, county attorneys, and their desig-

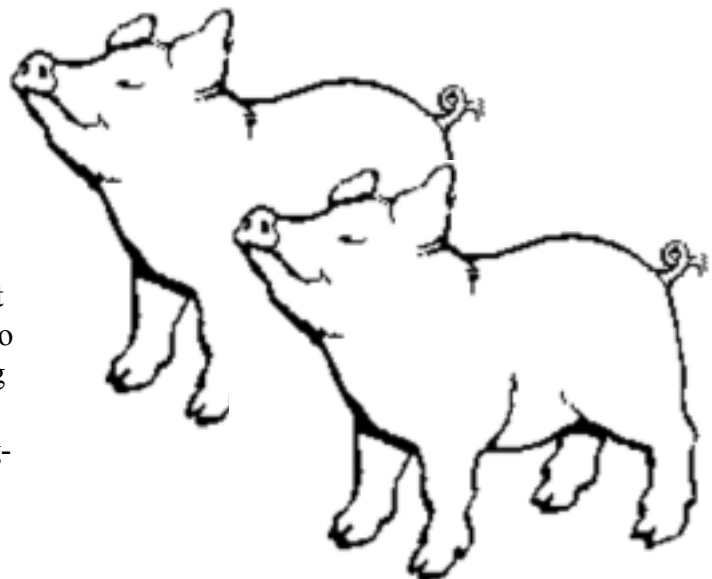
nees. Because the information is by law confidential, access to the docket is secured. Judges and clerks may register for access by contacting the Help Desk.

## Court Statistics: Back-Up

Clerks will no longer need to back up reports for court statistics each month. Beginning next month, the tedious chore will be done centrally. Clerks must perform the “saves” for December 2002 so that they have all the statistics for calendar 2002 saved on diskette.

## Jury Source Code Update

The technology office will update the Jury Source Code List in January. The job will take about 20 days to complete and should be delivered to counties in February. Last year there were problems with duplicative entries in the Source Code. The technology office is looking into matter and will be contacting clerks and administrators about this.



# Legislation 2003: Court Seeks More Change

In our last issue of the Bench Press, we summarized some of the legislative changes the Judicial Branch will be pursuing this coming legislative session. On December 2 the Judicial Branch filed its request for bills with the Legislature. The Court has requested two statutory changes in addition to the changes mentioned in the previous Bench Press, one affecting clerks of court and another concerning the allocation of district judges.

## Clerks of Court

The Court has proposed eliminating the county residency requirement for clerks, shifting the authority for appointing clerks from the judges of the district to the chief judge, and eliminate the mandate that there be one clerk per county. The Court had asked the Legislature to make these changes last year, but the proposals failed to gain the legislature's approval.

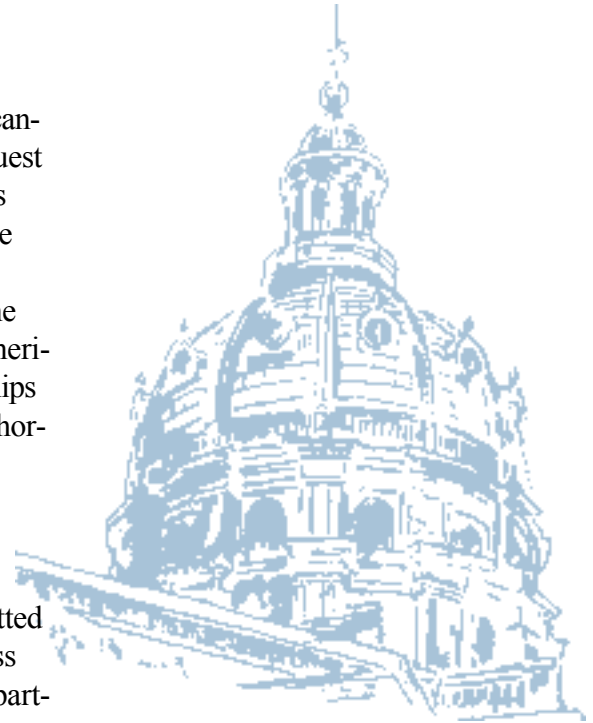
## Allocation of District Court Judges

The Court has also proposed that the Legislature give the Court more

flexibility to reallocate judicial vacancies among the districts. The request applies to district court judgeships only. The proposal would give the Court authority to move vacant judgeships to districts that have the greatest need based upon the numerical disparity in authorized judgeships and the number of judgeships authorized by the statutory judgeship formula.

## Pre-filed Bills

The Court's requests were submitted as pre-filed bill requests, a process that allows state agencies and departments to file bills with the Legislature without having an individual member of the General Assembly as a bill sponsor. Requests must be submitted to the Legislative Service Bureau for drafting. The entity requesting the bill may amend or withdraw a request before it is filed with the General Assembly.



# Retirement Investors Reminders For 2003

**T**he annual contribution limits for 2003 are increased to 100% of compensation up to:

- \$12,000 for participants 49 years old or younger
- \$14,000 for participants 50 years old or older
- \$24,000 for participants using the 3 Year Catch-Up

To increase your contribution for the first check in January 2003, submit a completed New Account & Change Form to your Personnel Assistant no later than December 13, 2002.

Calculating your maximum annual contribution amount is easy with the new RIC Maximum Contribution

Worksheet. Access this worksheet on our website listed below. You may also want to use the Gross-to-Net Payroll Calculator offered through the HRIS system (your Personnel Assistant can help you).

Participants investing with AIG VALIC, Equitable of US/AXA, Hartford Life, or ING Financial Advisers no longer need to contact IDOP when they are ready to take payments from their RIC accounts at retirement. Once you have terminated from State employment, you may contact your provider directly to request distributions.

If you are jittery about current stock and bond market performance, don't

let that keep you from saving for your retirement. Financial experts suggest that now is a great time to review your investment mix. You have the option to redirect your future contributions into investments that could help balance your investment mix and possibly reduce your risk in the market. If you are a conservative investor, remember that your investment product gives you the option to invest in guaranteed rate accounts.

For additional information and change forms, visit our website at <http://www.state.ia.us/idop/BenDefComp.htm> or call 515-242-6846



## 2002 Photo Album (continued)

**Distinguished Service Award**



**Clay County Clerk Staff**



**Meritorious Service Awards**



**Justice Thomas Meets with Court of Appeals**



**Aunan Retires**



## 2002 Photo Album

(continued)

**Hibben-Levi Retires**



**Twenty Years on Court**



**Buchanan County Clerk of Court Staff**



**Distinguished Service Award**



**Meritorious Service Award**



Also pictured on cover are the Juvenile Court Services staff for District 3 and Justice Mark Cady with Meritorious Service Award winners.

## New Faces

Court Administration: **Gary Goetsch**, *Des Moines*, Building Mechanic.

District 1: **Christopher Sievers**, *Dubuque*, Law Clerk.

District 2: **Amy Strohman**, *Nevada*, **Toby Ahrens**, *Nevada*, **Sara Shill**, *Nevada*, **Madonna Miller**, *Rockwell City*, **Rita Conn**, *Hampton*, Judicial Clerks.

District 5: **Velma Henegan**, *Des Moines*, **Dan McDonald**, *Des Moines*, **Amber Ashley**, *Des Moines*, **Kathy Friesen**, *Des Moines*, **Peggy Olson**, *Des Moines*, Judicial Clerks; **Rolland Largesse**, *Des Moines*, Juvenile Court Technician; **Patricia Probasco**, *Juv Court Technician*, Newton.

District 6: **Mary Petersen**, *Iowa City*.

## Milestones: Service Anniversaries

### 25 Years

**Charlene Peterson**, Trial Court Supervisor, *Woodbury County*.

**Lorae Johnson**, Accountant/Auditor, *Des Moines*.

**Jodie White**, Court Accountant, *Scott County*.

**Linda Graves**, Judicial Clerk, *Clarke County*.

**Sylvia Kreamalmyer**, Court Reporter, *Des Moines County*.

**Gloria Andersen**, Judicial Clerk, *Cherokee County*.

**Donald Mathews**, Juvenile Court Officer, *Woodbury County*.

### 30 Years

**Ruth Hagist**, Judicial Clerk, *Henry County*.

**Susie Kuhens**, Clerk, *Henry County*.

**Tamara Barrett**, Administrative Secretary, Supreme Court, *Des Moines*.

**Charlene Peterson**, Trial Court Supervisor, *Woodbury County*.

**David Pottratz**, Juvenile Court Officer, *Clinton County*.

**Rita Brannan**, Judicial Clerk, *Woodbury County*.

### 35 Years

**Marlene Nelson**, Clerk of Court, *Scott County*;



## Awards for New Judicial Building Architects and Engineers

**T**he new Iowa Judicial Branch Building is not quite finished, but it's already been honored for its design and innovative systems. The American Institute of Architects recently awarded DLR Group, Des Moines, and Kaplan/McLaughlin/Diaz, San Francisco, a citation for design of the new building. The American Council of Engineering awarded its 2003 Engineering Excellence Award to Pulley & Associates, Des Moines, for the design of the mechanical, electrical and lighting systems for the new building.

Located on the southern edge of the state Capitol complex, the classically derived building is a visual statement to the dignity, stability and independent status of the judicial branch of government. The building is a complimentary addition to the complex.

The mechanical and electrical systems were designed to integrate seamlessly with the architecture. The engineering systems were required to



meet or exceed state of the art performance criteria of a 21<sup>st</sup> century office building, provide the greatest life cycle benefit, and fulfill the demands of a building built to last 100 years.

The 123,800 square foot building, which will house the Iowa Supreme Court, the Iowa Court of Appeals, State Court Administration, and Supreme Court Boards and Commissions, is expected to be finished this spring.

## Polk County Model Court Second Annual Adoption Saturday



*The courtroom is kid-friendly with teddy bears looking on.*

Saturday, November 23 was a special day at the courthouse in Polk County. Twenty-nine children were adopted that day with over 500 family and friends in attendance. For the second year, judges, attorneys and other court employees volunteered their time to have a wonderful party for the children. Foster/adoptive families were also available to talk one on one with interested prospective parents.

Beginning January 1, 2003, an Adoption Tax Credit will go into effect. This tax credit is available to families who adopt special needs children. The prior benefit involved detailed accounting. The new federal law offers a flat credit of \$10,000 over a period of up to five years.

The program included Robert Allbee, former Iowa Supreme Court justice and an adoptive parent, and Arlene Phelps, who came to Iowa as an infant on the Orphan Train 81 years ago and was adopted at age 5.



*Judge Karla Fultz*



# Adoption Saturday



*Judge Joel Novak, Judge Constance Cohen (standing), and Case Coordinator Colleen Leners (seated)*

## Sponsors included:

Alliance for Children's Rights  
Comfort for Court Kids, Inc.  
EFCO Corp.  
Friends of Iowa CASA  
Hy-Vee  
IFAPA/KidSake Adoption Project  
Iowa Organization of Women Attorneys  
Java Joe's  
Polk County Clerk of Court Social Lites  
Polk County Women Attorneys  
Target  
Tender Touch Flora  
Vander Beek Photo of Pella

## Dozens of volunteers:

Adoption Saturday Planning Committee  
Court clerks  
Judges  
Court attendants  
Court Reporters  
Grandview College Family Law Class  
Attorneys  
Polk County Sheriff  
Polk County General Services



*Barbara Peterson, court room volunteer (wife of Asst. County Attorney Cory McClure)*